

Rationale for Proposed Sub-Catchment Internal Drainage Boards

Introduction

This document explains the rationale and decisions behind Phil Woolas' announcement in February 2008 for proposed Internal Drainage Boards based on sub-catchments.

Background – Future organisational and management arrangements

The Internal Drainage Board Review Project Board, which included a range of Internal Drainage Board advisory representatives, carefully considered the recommendations of the Independent Report published in February 2006. The independent report outlined the strengths and weaknesses of the current performance of Internal Drainage Boards and made recommendations for future improvements.

The Project Board took account of these recommendations along with other considerations in developing the implementation plan and future proposals for Internal Drainage Boards. It was clear that as well as addressing current weaknesses, Internal Drainage Boards would need sufficient financial resource to meet *future* financial, audit, engineering and environmental standards.

Experience has shown that large, stand-alone boards, and the recent moves to encouraging smaller boards into groups or consortia, was the ideal way to share expertise to provide improved standards of delivery. Through both models, the required expertise can be brought together and this critical mass can be retained and grown if required.

The Project Board felt that one of the key tests for future arrangements was a minimum income threshold. This was covered in Annex A of Ian Pearson's letter of February 2007¹ with the two options being:

- (i) Stand alone Boards, operating independently of other boards, with an income of at least £500,000.
- (ii) Consortia/Grouping with a combined income of at least £500,000

The Project Board did not, however, recommend a minimum level of income for independent boards within groups or consortia. This was based on the recognition that there are wide differences between upland boards, ribbon valley boards and fenland boards with a varying degree of gravity and pumped districts.

However, the Project Board wanted to provide guidance on the obligations and standards expected of a statutory public body; indeed Internal Drainage Boards have much the same

¹ <http://www.defra.gov.uk/enviro/fcd/policy/idbrev/idbipltr.pdf>
<http://www.defra.gov.uk/enviro/fcd/policy/idbrev/form.pdf>

status as Local Authorities. As such the strategic direction, staffing and management arrangements expected of all future Internal Drainage Boards were set out in Annex A.

These requirements were summarised as:

- As a minimum, Internal Drainage Boards should have a clerk (full or part-time) and access to an engineer and environmental officer. These people are fundamental to running an Internal Drainage Board and should preferably be directly employed.
- Internal Drainage Boards should have access to all other required services and advice including a qualified finance officer, internal audit, information and communication technology, legal, health and safety etc.

Internal Drainage Boards were asked to consider their present management arrangements and funding levels against these requirements and to complete a response form setting out their views on future arrangements.

In doing so, they should recognise that there are two broad models for management of Internal Drainage Boards:

- Stand Alone Boards; and
- Grouping/consortia arrangements

The Project Board considered that current Stand Alone Boards with an income of less than £500,000 may well have difficulty in carrying out all of their responsibilities as outlined above. All Boards who do not meet the minimum requirements were asked to consider (a) amalgamation, (b) joining a consortia/grouping or (c) abolition.

Although consortia/grouping arrangements have proved to be successful in delivering greater effectiveness through benefits and efficiency savings, these arrangements are not legally as clear as amalgamations, especially as an Internal Drainage Board cannot delegate their discretionary powers to any other Internal Drainage Board or agent. As such, guidance was given in Annex A on the possible arrangements:

- Appointing an independent contractor as an agent to carry out certain functions
- Setting up of a consortium or grouping arrangements by using a lead board approach

In accordance with the February 2007 letter, a joint Review Panel, a sub-group of the Project Board, comprising Defra, ADA, Environment Agency and LGA considered the responses.

Review Panel Considerations

Defra were looking for a future model that would meet the following criteria

- An organisation capable of providing a holistic approach and delivering the national priorities as well as the local priorities, and in line with the strategic direction of Making Space for Water;
- the obligations and standards of a public body as set out in Annex A together with the ability to meet the future standards as set out in the implementation plan

- deliver the best economic return from the finance made available from Government (through Defra grant aid and Special Levy payments²)

The overall picture from the responses was:

Standalone Boards		Groups/Consortia	
Below £500,000	11	Below £500,000	5
Above £500,000	9	Above £500,000	13

In considering the responses, and the factors for a future model in line with strategic Government policy as outlined above, the Project Board felt it necessary to look at the wider picture. In order to meet all these considerations, the Project Board decided to recommend moving to a sub-catchment approach with one Board per sub-catchment in the long-term. The two key factors behind this decision were:

- (i) Government policy on catchment management; and
- (ii) Best model to deliver the future standards of a Internal Drainage Board as a public body.

Government policy on catchment management

Government policy is for a better integrated approach to the management of catchments and coastal systems. The direction of travel from the Making Space for Water Strategy is to adopt a whole catchment and whole shoreline planning framework that is consistent with, and contributes to, the implementation of the Water Framework Directive.

The concept of water level management is based on managing water levels throughout a whole catchment to achieve a reduction in the risk of flooding to people, property, businesses, infrastructure, high quality agricultural land and to maintain and improve favourable conditions for environmentally sensitive areas.

Maps of the proposed groups/consortia and the stand alone boards were prepared to help the Review Panel understand how they fitted into the catchment approach. In many cases existing groups/consortia, and the larger stand-alone boards, were a good fit, but there were other examples that did not make hydraulic sense.

The Review Panel agreed that the logical way forward was for the long-term future model for IDBs to be based on a catchment approach. Future Boards should, where appropriate and possible, be based on existing or adjoining stand-alone boards/groups to minimise the scale of change and impact on existing arrangements although the primary aim was to ensure a holistic and strategic catchment approach. Therefore in many instances the proposed sub-catchment boundaries are no different to existing drainage districts or an amalgamation of existing drainage districts.

A progress report in October 2007³, was posted on the Defra website confirming that the Review Panel considered that the long term future model for IDBs should be based on hydraulic boundaries/sub-catchments. The maps identifying the proposed sub-catchments were introduced by David Richardson, Flood Management, Defra at the ADA Conference in October 2007.

² <http://www.defra.gov.uk/environ/fcd/policy/funding.htm>

³ <http://www.defra.gov.uk/environ/fcd/policy/idbrev/progprep.pdf>

Best model to deliver the future standards of a Internal Drainage Board as a public body.

The Project Board had set out the obligations and requirements expected of a future Internal Drainage Board in Annex A. The implementation plan outlined that the future model would require Boards to have increased responsibilities to meet EU and Government standards on health and safety, environmental and asset management.

A modern public body must have arrangements that allow the public to have both direct access and other arrangements to communicate with them including telephone and internet during working hours; they must have a separate office open throughout normal working hours which is clearly identified and complies with current legislation for offices e.g. health and safety, fire certificate; Internal Drainage Boards should have a website, as the modern form of communication from a public body, allowing the public to understand the role and activities of an IDB, and their future investment plans.

The Implementation Plan also provided further guidance on the accountability, transparency and financial arrangements. It also explained what would be needed to strengthen asset and environmental management in particular for maintaining internationally important sites.

The Progress Report in October 2007 reaffirmed that the £500,000 income threshold was still a robust indicator of whether a Stand Alone Board or Grouping/Consortia would have the required management and technical capacity to meet the future engineering and environmental requirements.

In addition, the Review Panel were mindful of the consequences of the Summer Floods on the capacity of boards to carry out emergency maintenance operations, the impact of increased pumping costs and the intense workload on key individual staff dealing with the public during and after the floods.

A checklist of indicative requirements was produced to guide the Review Panel on the best future model, see Appendix 1 attached for use as necessary.

What is best – Stand-Alone Board or Group/Consortia?

It has been the policy of successive Ministers to seek to encourage Internal Drainage Boards to join into consortia and then to amalgamate into Stand Alone Boards to maximise efficiency savings etc.

Although groups and Consortia seem to work well for sharing services and expertise, they may not have clearly defined arrangements for dealing with emergencies within the group, with individual boards still being responsible for the management within their areas.

A Stand-Alone Board has much clearer lines of accountabilities in line with legislation and can deliver many benefits in better strategic planning, common policies and standards on health and safety etc. They are well capable of delivering the required standards to both urban and rural areas, whether they depend on gravity or pumped discharge.

Taking all these factors into consideration, Defra and the Review panel believed that the preferred option to meet the future standards of a public body and to achieve the right skills and critical mass was one board per sub-catchment.

The income and area of the proposed new Boards are summarised in Appendix 2.

For those isolated boards it was decided that these boards should remain but that, in their capacity as statutory public bodies, there is still a requirement for them to comply with the financial and administrative arrangements outlined in Appendix 1.

Timescale

Although there is no change in current policy, what is new is that Defra is now providing a suggested approach to amalgamation across the country as a whole. The maps were the first indications of the proposed sub-catchments, the boundaries can be changed if the shown drainage patterns are incorrect, and alternative proposals which meet the overall direction of travel may also be considered.

It is proposed that the new sub catchment boards should be in place by 1st April 2013 to take account of existing contractual arrangements.

The Minister for the Environment, Phil Woolas, on the 6th February 2008⁴, confirmed the preferred future model of one Internal Drainage Board per sub catchment.

Internal Drainage Boards are encouraged to start working together in the proposed sub-catchment units in the short term, and commence discussions on how these new arrangements will work into the future.

⁴ <http://www.defra.gov.uk/environ/fcd/policy/idbrev/1dbreview6feb.pdf>